AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X   Case No. 08-civ-6992

JOSEPH KOWALCZYK and ALIL PERICIC,

Plaintiffs,

-against-   AFFIDAVIT OF SERVICE
                                                             OF SUMMONS & COMPLAINT

JOHN BARBARITE, SUE FLORA, GORDON JENKINS
and THE VILLAGE OF MONTICELLO, a municipality
of the State of New York,

Defendants.
---X

STATE OF NEW YORK   )
) ss.:
COUNTY OF SULLIVAN   )

PHIL MULLEN, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at 174 Dwyer Avenue, Liberty, New York.

That on   August 19, 2008 at 1:30 P.M., at 2 Pleasant Street, Monticello, NY 12701, deponent served the within summons and complaint on GORDON JENKINS, defendant therein named,

INDIVIDUAL
1. [✓]
by delivering a true copy of each to said defendants personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION
2. [ ]
a   corporation, by delivering thereat a true copy of each to
                          personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be   thereof.

SUITABLE AGE PERSON
3. [ ]
by delivering thereat a true copy of each to
a person of suitable age and discretion. Said premises is defendant's—actual place of business -- dwelling house--usual place of abode--within the state.

AFFIXING TO DOOR, ETC.
4. [ ]
by affixing a true copy of each to the door of said premises, which is defendant's--actual place of business-- dwelling house--usual place of abode--within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called there

MAILING USE WITH 3 or 4
[ ]
Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's last known residence, at   and deposited said wrapper in -- a post office -- official depository under exclusive care and custody of the United States Postal Service within New York State.

DESCRIPTION USE WITH
[ ]
Deponent describes the individual served as follows:

[ ] Male	[ ] White Skin	[ ] Black Hair	[ ] White Hair	[ ] 14-20 Yrs.	[ ] Under 5'	[ ] Under 100 Lbs.
[ ] Female	[ ] Black Skin	[ ] Brown Hair	[ ] Balding	[ ] 21-35 Yrs.	[ ] 5'0"-5'3"	[ ] 100-130 Lbs.
	[ ] Yellow Skin	[ ] Blond Hair		[ ] 36-50 Yrs.	[ ] 5'4"-5'8"	[ ] 131-160 Lbs.
[ ] Glasses	[ ] Brown Skin	[ ] Gray Hair	[ ] Mustache	[ ] 51-65 Yrs.	[ ] 5'8"-6'0"	[ ] 161-200 Lbs.
	[ ] Red Skin	[ ] Red Hair	[ ] Beard	[ ] Over 65Yr	[ ] Over 6"	[ ] Over 200 Lbs.

Other Identifying features:

USE IN NYC CIVIL CT.
[ ]
The language required by NYCRR 2900.2(e), (1) & (h) was set forth on the face of said summons(es).
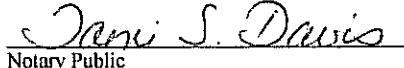
MILITARY SERVICE
[ ]
I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

_____
Print name beneath signature
PHILIP E. MULLEN

Sworn to before me this
22nd day of August, 2008

_____
Notary Public